



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

September 26, 1973

Honorable Buddy Temple
House of Representatives
Room 316A
State Capitol
Austin, Texas 78711

Re: Open Records Decision No. 4

Dear Representative Temple:

Pursuant to Section 7 of House Bill 6, Sixty-Third Legislature, Regular Session, Chapter 424, Page 1112, (hereinafter called House Bill 6), you have asked this office to advise you concerning certain testimony and evidence described in your letter as follows:

"On September 12, 1973, Price Daniel, Jr., Speaker of the House of Representatives, received from the Texas Department of Public Safety custody of three boxes of files containing information compiled in 1968 and 1969 by a special House committee established and appointed pursuant to H.S.R. No. 32 of the 60th Legislature, 1st Called Session, 1968, to investigate the vending machine industry. Since January, 1969, the files of the committee have been in the custody of the Department of Public Safety. On receipt of the files, Speaker Daniel officially placed them in the custody of the Subcommittee on Consumer Protection of the House Committee on Business and Industry. Under the authority of and as required by H.B. No. 6, Acts of the 63rd Legislature, Regular Session, 1973, in my capacity as chairman of the subcommittee I immediately provided public access to all parts of the files which I determined were required by that Act to be open to public inspection."

You have transmitted with your request one reel of magnetic tape and various file folders, which you have removed from the above described three boxes of files, all of which you feel may contain information excepted from public inspection under the sub-provisions of Section 3 of House Bill 6.

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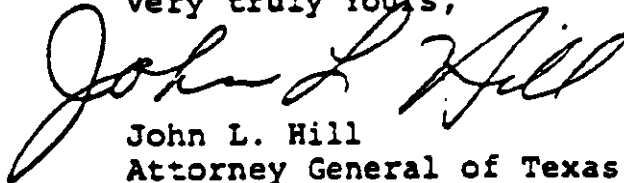
The magnetic tape contains the testimony of John W. Flanagan, R. B. Williams and H. B. Williams and several statements by Spencer Carver, Counsel for the Williams', all made during an Executive Session of the Special House Committee in January, 1969. We do not believe that the tape contains any information excepted by any sub-section of House Bill 6 and are therefore returning it to you to be released as you deem fit.

Most of the files contain information apparently compiled in connection with the committee's investigation in 1968. Included are witness sheets, investigation reports and official criminal records of various proposed witnesses and subjects of the investigation. We are not able to rule on this type of information until we can ascertain, or at least make an effort to ascertain, who compiled the information, for whom, and how much of the information contained in the files has already been made public at the hearings in January, 1969. We should also decide whether an attempt should be made to update and further verify some of the information in connection with your committee's present investigation and the investigation of the vending machine industry being conducted by this office.

Some of this information may be excepted under sub-sections (1), (3), (8), or (11) of Section 3 of House Bill 6, but we are not able to finally advise you until we can go into the matter further. Therefore, we are temporarily retaining these files.

Some of the files do not contain any questionable information and we are hereby returning them for release.

Very truly Yours,


John L. Hill
Attorney General of Texas


C. J. Carl
Staff Legislative Assistant

JLH/cc
Enclosures